

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21 CV 5 MOC WCM

DANTE ANTONIA MURPHY

Plaintiff,

v.

CLEVELAND COUNTY, CLEVELAND
COUNTY DEPARTMENT OF SOCIAL
SERVICES, CLEVELAND COUNTY
BOARD OF COMMISSIONERS,
DOUG BRIDGES,
Individual and Official Capacity,
KATIE SWANSON
Individual and Official Capacity

Defendants.

ORDER

This matter is before the Court on Defendants' Motion to Seal (Doc. 13) ("Motion to Seal") which requests an Order allowing Defendants to file certain documents under seal.

Defendants have filed a Motion to Dismiss, and they state that two documents relied upon in their Memorandum of Law supporting that Motion contain information that Defendants believe is subject to confidentiality protections. In particular, Defendants contend that they should be allowed to file under seal a Charge of Discrimination that Plaintiff filed with the EEOC and the North Carolina Office of Administrative Hearings, Civil Rights

Division's Notice of Determination regarding Plaintiff's Charge of Discrimination because those documents contain non-public personnel information that is protected from disclosure by N.C.G.S. § 153A-98 and information that is confidential pursuant to 5 U.S.C. § 552 and 29 C.F.R. Part 1610, Subpart A, *Production or Disclosure under 5 U.S.C. 552 (§§ 1610.1 – 1610.21)*.

Defendants view the subject documents as being significant to Plaintiff's claims and Defendants' Motion to Dismiss but contend they should be sealed "so that Defendants can present them to the Court without violating applicable North Carolina and federal statutes." Doc. 13-1 at 3. However, Defendants have not provided authorities finding that the sealing of documents such as these is appropriate in a federal judicial proceeding. See e.g., Robinson v. Bowser, No. 1:12CV301, 2013 WL 3791770, at *7 (M.D.N.C. July 19, 2013). Further, Defendants have not filed an unredacted copy of the materials, as allowed by Local Civil Rule 6.1(d), or explained why, if sealing is required at all, partial sealing would not be sufficient.

Under these circumstances, the undersigned will deny the Motion to Seal. This denial, however, will be without prejudice. Should Defendants wish to renew their request that these documents be filed entirely under seal, Defendants should submit a complete unredacted copy of the subject documents for the Court's review pursuant to Local Civil Rule 6.1 and should

fully address the issues referenced above.

IT IS THEREFORE ORDERED THAT the Motion to Seal is **DENIED**
WITHOUT PREJUDICE.

Signed: April 8, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

